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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,794

09/29/2003

Ronald P. Sansone

F-729

2973

7590

06/30/2005

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EXAMINER

STONE, JENNIFER A

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/673,794

Applicant(s)

SANSONE ET AL.

Examiner

Jennifer A. Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. -103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt et al. (US 6,130,613), and further in view of Leon (US 6,701,304).

For claim 1, Eberhardt discloses a method for paying for mail to be delivered from a sender in a first zip code to a recipient in a second zip code, comprising the steps of: affixing a radio frequency identification (RFID) tag to mail (col 1, Ins 20-22) for the payment of the carrier fees for the first zip code; and the second zip code (col 8, Ins 1-13; col 8, Ins 60-63). Eberhardt, however, is unclear if the payments of the carrier fees apply to a first country; and a second country. Leon on the other hand incorporates RFID tags affixed to mail and includes payment of carrier fees for a first country; and for a second country (col 4, Ins 10-18; col 8, Ins 57-67; col 9, Ins 1-12 and 46-52; col 11, Ins 10-12). For example, in columns 8 and 9, Leon discusses payment of carrier fees in the context of an international market. By definition, the term "international" means affecting or relating to two or more nations (i.e. countries). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the

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invention was made to include payment for a first country and second country on an RFID device so that tracking history of the mail is enhanced.

For claim 2, Eberhardt discloses the RFID tag has a first portion for storing fees for the first zip code and a second portion for storing fees for the second zip code (col 8, Ins 1-13, 43-48, and 57-63). It is well known that sender and recipient addresses include a first zip code and a second zip code, respectively; however, Eberhardt does not disclose that fees apply to a first country; and a second country. Leon, however, does disclose storing fees relevant to a first and second country (col 4, Ins 14-19; col 8, Ins 57-67; col 9, Ins 1-13). It would have been obvious to store fees pertaining to different countries on the RFID tag so that payment adjustments are updated in the event of currency rate changes.

For claim 3, Eberhardt discloses graphics printed in the vicinity of the RFID tag (Fig. 7, col 3, Ins 4-6).

For claim 4, Eberhardt discloses human readable information printed in the vicinity of the RFID tag (Fig. 1 – 32 cents and U.S.).

For claim 5, the human readable information indicates postage has been paid (Fig. 1 – 32 cents; col 2, Ins 36-39).

For claim 6, Eberhardt discloses human readable information that indicates that the postage has been canceled (col 8, Ins 49-54).

For claim 8, the RFID tag contains a unique number that uniquely defines the mail (col 3, Ins 18-20; col 4, Ins 53-55).

For claim 9, the RFID tag stores the services requested by the mailer (col 6, Ins 54-56; Fig. 9, items 603).

For claim 10, the RFID tag stores the payment for the requested services (Fig. 9, item 604; col 6, Ins 54-56).

For claim 11, the RFID tag stores the mailer's name and address (col 6, In 55; Fig. 9, item 601). It is well known that sender information comprises a mailer's name and address.

For claim 12, the RFID tag stores the recipient's name and address (col 6, In 55; Fig. 9, item 602). It is well known that recipient information comprises a recipient's name and address.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt et al. (US 6,130,613) and Leon (US 6,701,304), and further in view of De Souza et al. (US 2004/0012496).

Eberhardt discloses canceling the postage on the RFID tag; however, canceling the tag is not disclosed. De Souza, on the other hand, discloses canceling an RFID tag affixed to a payment check (Fig. 1, item 12; paragraph 0017, Ins 1-4; parag 0021, Ins 1-3). It would have been obvious to cancel the RFID tag so that the tag can be reused. Reusing RFID tags is cost efficient.

### ***Response to Remarks***

4. Applicant's arguments filed May 17, 2005 have been fully considered but they are not persuasive.

The Applicant argues as follows:

- a. Eberhardt discloses an RFID stamp that may be used in only one country.
- b. Leon discloses a postal metering system that produces postage labels that are used for the payment of postage in only one country.

a. Examiner ultimately agrees with applicant because Eberhardt does not specifically state that the payments of the carrier fees apply to more than one country. Nevertheless, since Eberhardt discloses in column 8 that an RFID stamp includes programmed information such as billing instructions to invoice an appropriate party, and further, reprogram the stamp based on changes with the billing instructions, it is implied that the RFID stamp is not country specific.

b. Reference the rejection to claim 1. Leon does disclose a postal metering system that produces postage labels that are used for the payment of postage in more than one country since the system is applied in an international market.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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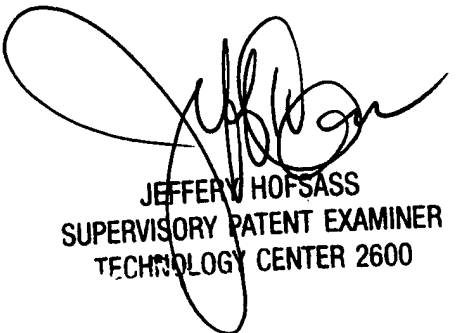
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone  
June 22, 2005



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600